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Christopher Calfee, Senior Counsel  
Governor's Office of Planning and Research  
1400 Tenth Street  
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**Subject:** Comments on the Proposed Update to the CEQA Guidelines, "Updating Transportation Impacts Analysis in the CEQA Guidelines," dated August 6, 2014

Dear Mr. Calfee:

The City of Moreno Valley appreciates the public outreach efforts provided by the Office of Planning and Research on the proposed update to the CEQA Guidelines as well as the opportunity to comment on the proposed changes. The various sources of information have allowed for a better understanding of the basis for the vehicle miles traveled (VMT) approach so that the City can provide a well-informed response to the proposed revisions to the CEQA Guidelines. As a City with infill, suburban, and rural areas, the City has concerns with the implementation of the guidelines, particularly as it applies to suburban and rural areas.

While the City acknowledges the merits of encouraging infill development from a public policy standpoint, the key concern is with the implementation of VMT as the primary metric and means of analyzing transportation related impacts for all projects. The proposal is a major change to the CEQA guidelines that has far reaching and unknown ramifications for implementation, so a cautious approach would be prudent. One example pertains to mitigation under the new approach. It is not clear what would happen if a potentially significant impact under the VMT methodology cannot be mitigated. Is any incremental increase in VMT or failure to reduce it by a set percentage, a significant impact that cannot be mitigated? The concern is that infill projects in suburban areas that should benefit might be subject to a more involved process such as an Environmental Impact Report.

The complexity of implementing this major change in methodology at a local level, where each jurisdiction has distinct transit environs and development objectives, needs to be better understood before implementing it Statewide. Without a better understanding, the implementation would likely result in greater uncertainty with regard

to the development process. In view of this, the proposed CEQA Guidelines update pertaining to VMT should be limited to the transit priority areas only. The experience of implementation within the transit priority areas can then be evaluated to determine if it can readily be applied on a statewide basis.

In the earlier Office of Planning and Research document dated December 30, 2013, the "Preliminary Evaluation of Alternative Methods of Transportation Analysis," there is a section of goals and objectives in identifying alternative criteria. One of the factors included states that "The purpose of environmental analysis is to inform the public and decision-makers of the potential adverse effects of a project." The public perceive transportation impacts to be the traffic congestion itself so the elimination of delay is very important to the public. The proposal to focus on VMT and move away from automobile delay as an impact will be challenging for the local jurisdiction to convey to the public. However, SB743 does include a provision that "automobile delay, as described solely by Level of Service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." The City would suggest that automobile delay be identified as a potentially significant impact in the CEQA Guidelines applying to all areas outside of the transit priority areas, and particularly on regionally significant facilities that are key to goods movement which is not generally supported by transit infrastructure.

Regarding Appendix F, there was discussion at the recent OPR workshop of placing the identified mitigation measures in a separate technical advisory document. An expansion of the mitigation options for lower density suburban and rural areas would be helpful guidance for cities. Since these are suggested mitigation measures pertaining to VMT, it would be preferable to include these in a technical advisory document so that the measures can be more readily updated in the future as progress is made on better understanding of VMT mitigation.

More specifically, the City of Moreno Valley has the following concerns:

- Analysis of Vehicle Miles Traveled requires use of either a traditional Travel Demand Model or a 'Sketch' Model. Because many Moreno Valley residents commute via the freeway system, impacts to VMT must take into account long-range trips. These long-range trips can only be accounted for if models contain detailed regional information. OPR has provided a list of potential sketch models for use, but these models must be completed in detail for each project to achieve a level of detail that fairly categorizes each project's impact on VMT. The effort required by public agencies to provide data for each sketch model and to review these sketch models would be substantial. Use of a Travel Demand Model would require that agencies create a model, pay a consultant to maintain an up-to-date county wide model, or work to maintain updated versions of existing regional

models. The City of Moreno Valley requests that OPR establishes or selects a standard low-cost methodology for determining Vehicle Miles Traveled. OPR is given this option in Public Resources Code § 21099 (b)(1) (Page 2 of Discussion Draft).

- Travel Demand Models capable of predicting long-range VMT will likely not be sensitive enough to detect a measurable change in VMT for a given project.

Regional Travel Demand Models are not established by loading individual projects but rather Societal Economic Data for large areas of land. It will be difficult to assess whether or not a given project is already included within a model's Traffic Analysis Zones.

- OPR has the option to retain Level of Service as a metric for transportation impact outside of transit priority areas. Because not all areas are planned in a way that VMT can be effectively reduced compared to a regional average, VMT should be an optional tool outside of Transit Priority Areas.
- While agencies are not precluded from applying local general plan policies regarding levels of service and traffic operations, the improvements traditionally required to mitigate level of service deficiencies will now directly conflict with OPR's guidelines. How will improvements required by local actions based on general plan objectives impact a project's status or adherence to CEQA? How does a public agency respond to potential allegations that conditioned improvements conflict with the intent of CEQA mitigations?
- OPR asserts that transit-served areas are, "more likely to be familiar with tools that estimate vehicles miles traveled." This assumption may hold true for cities such as Los Angeles or San Francisco, but relatively large agencies such as Moreno Valley are not prepared to address the unfunded mandate to apply new procedures. Time needs to be allocated to establish thresholds of significance, alter the agency's TIA requirements, arrive at a methodology/procedure for VMT analysis, and establish appropriate mitigation measures and programs. Moreno Valley respectfully requests that additional time be provided to meet the statewide mandate. OPR should also provide and/or work to facilitate funding for local agencies to complete local model development and management.
- The preliminary discussion draft does not establish a way to measure the effectiveness of proposed mitigations. There must be a direct link between mitigations and VMT reductions. Established Land Use law such as Nolan and Dolan require a nexus and rough proportionality between the impact and the mitigation. Direct impacts in the current system are clearly defined and are the developer's responsibility while cumulative impacts are addressed through fair share fees. Guidance will be needed for agencies to determine the appropriate

level of mitigation. Calculating the impact of some mitigations will require the use of a detailed activity-based travel demand model, while others may be technically impossible to include in a model and will require the engineer to estimate VMT reduction solely through engineering judgment. How will all VMT oriented mitigations be fairly assessed?

- Mitigations to VMT can include small-scale office policies (such as carpool programs) but many will need to be large-scale infrastructure or transit programs. It may take money from several projects to directly reduce the impacts on VMT for even a single project, whereas a single project can often mitigate the entirety of its impact on LOS. Abandoning LOS as a transportation assessment tool means reducing the effectiveness of fees per development.

Thank you for the opportunity to provide comments on the proposed update of the CEQA Guidelines.

Sincerely,



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